

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR09-5272RJB
)	
Plaintiff,)	
)	ORDER GRANTING STIPULATED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE
JAMES EDWARD DAVIS,)	
)	
Defendant.)	
_____)	

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).
2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).
3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation his defense. 18
3 U.S.C. § 3161(h)(7)(B)(iv).

4 5. Additionally, a continuance is warranted in order to accommodate the assigned
5 prosecutor's personal leave schedule which will make him unavailable from the week of
6 the current trial date through the end of July, 2009.

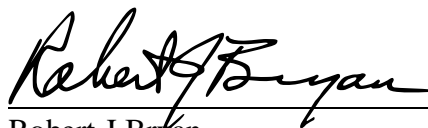
7 NOW, THEREFORE,

8 IT IS HEREBY ORDERED that the trial date is continued from June 15, 2009 to
9 November 2, 2009, at 9:30 am. The resulting period of delay from June 15, 2009, to
10 November 2, 2009, is hereby excluded for speedy trial purposes under 18 U.S.C. §
11 3161(h)(7)(A) and (B).

12 Pretrial motions are due no later than October 5, 2009.

13 Pretrial conference shall be on October 23, 2009, at 8:30 am.

14 DATED this 11th day of May, 2009.

15
16 

17 Robert J Bryan
18 United States District Judge
19

20 Presented By:

21 /s/ Russell V. Leonard
22 Russell V. Leonard
23 Attorney for Defendant

/s/ Aravind Swaminathan
Aravind Swaminathan
Assistant United States Attorney